

LEGISLATIVE BILL 890

Approved by the Governor April 9, 2004

Introduced by Friend, 10

AN ACT relating to the Geologists Regulation Act; to amend sections 81-3501, 81-3503, 81-3527, 81-3529, 81-3539, and 81-3540, Reissue Revised Statutes of Nebraska; to provide for enrollment of geologist-interns; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-3501, Reissue Revised Statutes of Nebraska, is amended to read:

81-3501. Sections 81-3501 to 81-3541 and section 3 of this act shall be known and may be cited as the Geologists Regulation Act.

Sec. 2. Section 81-3503, Reissue Revised Statutes of Nebraska, is amended to read:

81-3503. For purposes of the Geologists Regulation Act, the definitions found in sections 81-3504 to 81-3519 and section 3 of this act shall be used.

Sec. 3. Geologist-intern means a person who has passed an examination in the fundamentals of geology as provided in section 81-3540.

Sec. 4. Section 81-3527, Reissue Revised Statutes of Nebraska, is amended to read:

81-3527. (1) Application for licensure as a geologist or enrollment as a geologist-intern shall be made on a form prescribed and furnished by the board. It shall contain statements made under oath showing the applicant's education and a detailed summary of technical experience and shall include the names and complete mailing addresses of the references, none of whom shall be members of the board. The board may accept the verified information contained in the National Association of State Boards of Geology for applicants in lieu of the same information that is required on the form prescribed and furnished by the board.

(2) Application, ~~and~~ licensure, and enrollment fees shall be established by the board and shall accompany the application. Original and reciprocal fees shall not exceed three hundred dollars for licensure as a geologist and one hundred dollars for enrollment as a geologist-intern and shall be in addition to the examination fee which shall be set to recover the costs of the examination and its administration.

(3) The certificate of authorization fee for organizations shall be established by the board and shall accompany the application. The fee shall not exceed three hundred dollars per year.

(4) The fee for emeritus status shall be established by the board and shall accompany the application. The fee shall not exceed one hundred dollars per year.

(5) If the board denies the issuance of a certificate to any applicant, including the application of an organization for a certificate of authorization, the board shall retain the fee.

Sec. 5. Section 81-3529, Reissue Revised Statutes of Nebraska, is amended to read:

81-3529. (1) The board shall issue to any applicant who, on the basis of education, experience, and examination, has met the requirements of the Geologists Regulation Act a certificate of licensure giving the licensed geologist proper authority to carry out the prerogatives of the act. The certificate of licensure shall carry the designation Licensed Professional Geologist. The certificate of licensure shall give the full name of the licensee and the license number and shall be signed by the chairperson of the board and the secretary of the board.

(2) The certificate shall be prima facie evidence that the person is entitled to all rights, privileges, and responsibilities of a professional geologist while the certificate of licensure remains unrevoked and unexpired.

(3)(a) Each licensee authorized to practice geology must obtain a seal. It shall be unlawful for a licensee to affix his or her seal and signature or to permit his or her seal and signature to be affixed to any document after the expiration of the certificate of licensure or for the purpose of aiding or abetting any other person to evade or attempt to evade any provisions of the act.

(b) The seal may be a rubber stamp or may be generated electronically. Whenever the seal is applied, the licensee's written

signature and the date shall be across the seal. No further words or wording are required. Electronic signatures applied to electronic seals shall be protected with an electronic revision approval system. Documents without electronic revision approval system protection that are transmitted electronically to a client or a governmental agency shall have the seal removed from the file. The electronic media shall have the following inserted in lieu of the seal, signature, and date:

This document was originally issued and sealed by (name of sealer), (license number), on (date of sealing). This media should not be considered a certified document.

(c) The seal, signature, and date shall be placed on all technical submissions and calculations whenever presented to a client or any public or governmental agency.

(d) The seal, signature, and date shall be placed on all originals, copies, tracings, or other reproducible documents in such a manner that the seal, signature, and date will be reproduced. The application of the licensee's seal and signature shall constitute certification that the work was done by the licensee or under the licensee's control. In the case of multiple sealings, the first or title page shall be sealed, signed, and dated by all involved. In addition, each sheet shall be sealed, signed, and dated by the licensee responsible for each sheet. In the case of an organization, each sheet shall be sealed, signed, and dated by the licensee involved. The geologist in responsible charge shall sign, seal, and date the title or first sheet.

(e) In the case of a temporary permit issued to a licensee of another state, the licensee shall use his or her state of licensure seal and shall affix his or her signature and temporary permit to all his or her work.

(f) The design of the seal shall be determined by the board. The following information shall be on the seal: State of Nebraska; licensee's name; licensee's license number; and the words Professional Geologist.

(g) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of the act, an enrollment card as geologist-intern which indicates that his or her name has been recorded as such in the board office. The geologist-intern enrollment card does not authorize the holder to practice as a professional geologist.

Sec. 6. Section 81-3539, Reissue Revised Statutes of Nebraska, is amended to read:

81-3539. Applications for licensure as a professional geologist, ~~or~~ for temporary or reciprocal licensure, or for enrollment as a geologist-intern shall be on forms prescribed and furnished by the board and shall be accompanied by the fee established by the board. The requirements of subdivisions (1) through (3) of this section may be considered by the board to be fulfilled if the applicant maintains a current certificate of licensure to practice geology issued pursuant to the authority of any state or possession of the United States or the District of Columbia based on requirements that do not conflict with the Geologists Regulation Act and were of a standard not lower than that specified in the applicable licensure law in effect in this state at the time the certification was issued. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional geologist or enrollment as a geologist-intern:

(1) The applicant is of good character and reputation and submits four references with his or her application for licensure as a professional geologist. Two of the references shall be professional geologists having personal knowledge of his or her geological experience or, in the case of the application for enrollment as a geologist-intern, acting only as character references; ~~During the twelve-month period beginning on January 1, 1999, the board shall consider, for the purpose of application references, as a professional geologist a person who meets the education and experience requirements for licensure as a professional geologist specified in the act,~~

(2) The applicant has successfully completed a minimum of thirty semester hours or forty-five quarter hours of course work in geology and has received a baccalaureate or advanced degree in geology or a geologic specialty from a program accredited by an organization recognized by the board; ~~During the twelve-month period beginning on January 1, 1999, the board may waive the education requirements for a person who derives his or her livelihood from the practice of geology and who does not meet the academic requirements but who can demonstrate to the satisfaction of the board his or her competency and who has at least eight years of progressive experience in geologic work of a grade and character which indicates to the board that the applicant is qualified to assume responsible charge of such work upon licensure as a geologist,~~

(3) ~~Except as otherwise provided in subdivision (2) of this section,~~ The applicant has a documented record of a minimum of five years of progressive experience, obtained subsequent to completion of the education requirements, in geologic work of a grade and character which indicates to the board that the applicant is qualified to assume responsible charge of such work upon licensure as a geologist, except that no work experience is required for enrollment as a geologist-intern; and

(4) The applicant has completed an examination covering the fundamentals and practice of geology prescribed by the board. Upon passing the fundamentals of geology examination, the applicant may be enrolled as a geologist-intern. Upon passing the practice of geology examination, the applicant shall be granted a certificate of licensure to practice geology in this state if otherwise qualified. During the twelve-month period beginning January 1, 1999, the board shall waive the examination requirement for applicants qualified by education and experience. A person who holds a valid certificate of licensure to engage in the practice of geology, issued pursuant to the authority of any state or possession of the United States or the District of Columbia based on requirements that do not conflict with the act and were of a standard not lower than that specified in the applicable licensing law in effect in this state at the time the certificate was issued, may, upon application, be licensed without further examination. Geologic teaching of advanced subjects and the design of geologic research and projects in a college or university offering an accredited geologic curriculum may be considered by the board as geologic experience.

Sec. 7. Section 81-3540, Reissue Revised Statutes of Nebraska, is amended to read:

81-3540. (1) The board shall direct the time and place of geology examinations. The board shall determine the acceptable grade on examinations.

(2) The examination shall be given in two sections as follows:

(a) A fundamentals of geology examination designed to test the academic preparation of the applicant in geology. At the board's discretion, the examination may be taken at any time following completion of the applicant's educational requirements. Passing this examination qualifies the examinee for a geologist-intern enrollment card, if all other requirements for enrollment as a geologist-intern are met; and

(b) A principles and practice of geology examination designed to test the applicant's ability to apply geologic knowledge and to assume responsible charge of geologic work. The geologic practice examination may be taken only after the applicant has acquired the experience required for licensure as a geologist.

(3) A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. In the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the necessary additional knowledge to qualify before admission to the examination.

(4) The board may prepare and adopt specifications for the examinations. The specifications shall be published and be available to any person interested in being licensed.

Sec. 8. This act becomes operative on January 1, 2005.

Sec. 9. Original sections 81-3501, 81-3503, 81-3527, 81-3529, 81-3539, and 81-3540, Reissue Revised Statutes of Nebraska, are repealed.